

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABKCO Music, Inc., *et al.*,

Plaintiff,

Case No. 11-10763

v.

Hon. Sean F. Cox

Johnnie Washington, *et al.*,

Defendants.

ORDER DISMISSING
PLAINTIFFS' CLAIMS AGAINST "JOHN DOE" DEFENDANTS 1-50

Plaintiff filed this copyright infringement action on February 25, 2011, alleging that Defendants infringed upon nine copyrights in musical compositions owned or controlled by Plaintiffs by using those musical compositions in a dramatic production about the life of music artist Sam Cooke. Plaintiffs' Amended Complaint names the following Defendants: 1) Johnnie Washington; 2) Robert Douglas; 3) Music Hall Center for the Performing Arts, Inc.; 4) Detroit Media Broadcast Company, LLC; and 5) "John Does 1-50."

The "John Doe" Defendants 1-50 are named in the caption of the Amended Complaint. The body of the Amended Complaint contains a section setting forth allegations regarding the identity of the various parties (Am. Compl. at 6-7), but that section contains no allegations relating to any John Doe Defendants.

Pursuant to this Court's Third and final Scheduling Order, discovery closed on April 15, 2012 (Docket Entry No. 77). The Final Pretrial Conference in this matter is scheduled to take place on November 13, 2012, and this case is on this Court's November/December trailing trial

docket.

Following the close of discovery, Plaintiffs did not seek leave to file an amended complaint that would identify and name any of the John Doe Defendants. Plaintiffs cannot pursue claims at trial against unidentified John Doe Defendants. Thus, dismissal of Plaintiffs' claims against John Doe Defendants 1-50 is warranted at this juncture. *See Adams v. Hyman Lippit*, 2007 WL 2571955 (E.D. Mich. 2007).

Accordingly, the Court hereby ORDERS that Plaintiffs' claims against John Doe Defendants 1-50 are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Court

Dated: November 9, 2012

I hereby certify that a on November 9, 2012, a copy of the foregoing document was served upon counsel of record by electronic means and upon Robert Douglas and Johnny Washington via First Class Mail at the addresses below:

Johnnie Washington
P. O. Box 2335
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Robert Douglas
18131 Roseland Blvd.
Lathrup Village, MI 48076

S/Jennifer McCoy
Case Manager